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Via Hand Delivery

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W - Room 222
Washington, D.C. 20554

Re: **EX PARTE**
ET Docket No. 95-18; RM 9328 ✓

Dear Ms. Salas:

Yesterday, November 9, 1998, Francis Coleman and the undersigned, both on behalf of ICO Global Communications, and Peter Hadinger of TRW and Norman Leventhal, on behalf of the ICO USA Service Group, met with Ari Fitzgerald, legal advisor to Chairman William Kennard, to discuss the status of the above-captioned proceedings, as well as a proposed spectrum access policy for global 2 GHz mobile satellite systems set forth in the attached documents.

Four copies of this letter, two for each of the above-cited proceedings, have been submitted to the Secretary of the Commission for inclusion in the public record, as required by Section 1.1206(b)(2) of the Commission's rules.

Sincerely,



Cheryl A. Tritt
Counsel for ICO Global Communications

Attachments

cc: Ari Fitzgerald (w/o attachment)

ICO/SG Relocation/Transition Policy Proposal

- Regulatory Objective:
 - Include ICO/SG 2 GHz Transition Proposal* in FNPRM for Consideration
- Rationale:
 - Shared Burdens Between Affected Industries
 - Minimize Unnecessary Dislocation
 - Provide Regulatory Flexibility
 - Encourage Negotiated Solutions
 - Achieve National Solution to Satisfy Unique Timing Requirements
- Provides Solution for All Global Satellites

* Copy Attached

**PROPOSED ELEMENTS OF FCC SPECTRUM ACCESS POLICY
FOR GLOBAL MSS SYSTEMS AT 2GHZ**

1. Establish global model/precedent for market opening for MSS systems.
2. Global MSS should not pay for spectrum access, whether by auctions, fees or direct relocation costs to any party but will provide accommodation such as technical assistance, product development support and operational constraints where required to allow a rapid and inexpensive transition of incumbent users.
3. Allow for negotiated transition and accommodation arrangements (as described in paragraph 2 above) between MSS entrants and terrestrial incumbents.
 - FCC to allow in-band retuning (FS) prior to Sunset date.
4. Given the near term entry of 2 GHz MSS (August 2000), establish the following basic transition rules and policies to apply in the absence of negotiated arrangements.
 - a. 'Sunset' date (1/1/2005) - for all incumbent terrestrial systems, after which MSS systems in 2 GHz bands may commence unconstrained operations.
 - b. Terrestrial Licensing in Uplink (1990-2025 MHz)/Downlink (2165-2200 MHz):
 - Freeze on applications for new licenses and modifications as of issuance of the FNPRM.
 - No new licenses granted upon issuance of the R&O.
 - All renewals granted after issuance of 2 GHz FNPRM conditioned on secondary status as of January 1, 2000.
 - c. Harmful interference:
 - Adopt ITU interference standards and interference assessment methods for protection of primary Fixed Service systems.
 - MSS to avoid harmful interference to authorized primary terrestrial systems prior to 'Sunset' date.
 - In view of the expected improvement in spectrum efficiency in the digital ENG environment, discontinue BAS Channel 1 (Global MSS spectrum) prior to first MSS operational use.
 - BAS continues use of Channel 2 until such time as additional authorized entry of MSS requires additional spectrum take-up but, in any event, no later than 1/1/2005. It is not expected that accommodation will be necessary for BAS Channel 2.
 - d. BAS ENG conversion to digital as soon as possible but, in no event, later than in accordance with FCC fixed DTV conversion schedule (e.g. complete conversion of all commercial television stations by May 1, 2002.)
 - e. Shared (entrant and incumbent) operational constraints during transition period.

Expedited Treatment

- Conditional Licensing Applies to All New Entrants Who Are Qualified and Ready
 - Does Not Discriminate Among Qualified Applicants
 - No Prejudice to Later Applicants
- Favors Competition
- There is FCC Precedent
 - Big LEO Process
 - Little LEO NPRM
- Procedurally Compliant: U.S. vs. Storer & Progeny
- ICO Seeks U.S. Market Access, Not a Space Segment License

License-To-Service Time Durations

